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05.03.2024
Ct. No.10
b.das

WPA 1109 of 2024

Sundaram Finance Ltd. & Anr.

Vs.

The State of W.B. & Ors.

Mr. Abhidipto Tarafdar
Ms. Ankita Singh ...for the petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Affidavit of service filed by the petitioners is taken on record.

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The petitioners are the financiers who provided credit facilities to the private respondents for purchase of a “Ashok Leyland Truck” to the tune of Rs.12,60,000/- vide loan agreement executed on July 20, 2016.

The private respondents defaulted in paying the dues from August 17, 2021 for which an arbitration proceeding was initiated and notice under Section 21 of the Arbitration and Conciliation Act, 1996 served upon the private respondents on September 27, 2021.

The vehicle was repossessed by the petitioners on January 3, 2022. The petitioners applied before the 2nd respondent requesting cancellation of the registration in favour of the private respondent and issuance of fresh

registration certificate in their favour in terms of Section 51(5) of the Motor Vehicles Act, 1988.

Several representations made by the petitioners in this regard before the 2nd respondent fell on deaf ears. The petitioners seek a direction upon the 2nd respondent to consider their representations and issue fresh registration certificate in their favour upon cancellation of the earlier certificate issued in favour of the private respondents.

Learned counsel for the State respondents submits that the 2nd respondent be directed to deal with the representations submitted by the petitioners, in accordance with law.

In view of the above, this Court is inclined to hold that since the vehicle has been repossessed by the petitioners due to non-payment of instalments by the private respondents, the concerned authority, being the 2nd respondent herein, be directed to consider the representations submitted by the petitioners within four weeks from the date of communication of this order and take a decision in terms of Section 51(5) of the Motor Vehicles Act, 1988, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)